



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Daniel Sullivan,
Equipment Operator (PC2984W),
Ocean County

CSC Docket No. 2019-3579

Examination Appeal

ISSUED: August 16, 2019 (RE)

Daniel Sullivan appeals the determination of the Division of Agency Services which found that he did not meet the minimum requirements in experience for the promotional examination for Equipment Operator (PC2984W), Ocean County.

The subject examination had a closing date of December 21, 2018 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirement of one year of experience in the operation and maintenance of construction and maintenance equipment. The appellant was found to be ineligible based on a lack of experience. As there were no admitted applicants, the examination was canceled on June 20, 2019.

On his application, the appellant listed five positions: provisional Equipment Operator, Maintenance Worker 2, Maintenance Worker 1 Grounds, Self-employed in lawn service and Bartender. He was credited with four months of experience in his provisional position, and was found to be lacking eight months of applicable experience.

On appeal, the appellant reiterates the duties of his first four positions and argues that he has operated and maintained numerous pieces of equipment, including while in his self-employment.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

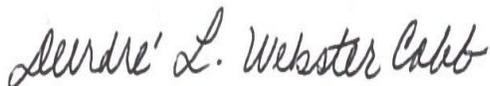
Initially, the appellant was correctly found ineligible for the subject examination. He was credited with three months of experience in his provisional position, and his remaining positions did not have the announced experience requirement as the primary focus. However, the examination was cancelled, the appellant continues to serve provisionally in the title under test, and he has accrued at least an additional eight months of experience since the December 2018 closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's additional experience beyond the closing date and admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 14th DAY OF AUGUST, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Daniel Sullivan
Keith Goetting
Kelly Glenn
Records Center